

REMARKS

Claims 1-8 are all the claims pending in the application.

I. Claim Rejections under 35 U.S.C. § 103 over JP ‘570

Claims 1-3 and 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over JP ‘570 (JP 11-106570) in view of Sham et al. (US 5,256,719; “Sham”).

Claims 4-6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over JP ‘570 (JP 11-106570, full English-language translation) in view of Sham et al. (US 5,256,719; “Sham”) and further in view of JP ‘464 (JP 11-302464).

Claim 8 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over JP ‘570 (JP 11-106570) in view of JP 11-302464 (JP ‘464).

Applicants respectfully traverse the above rejections.

In the 116 Amendment filed June 5, 2009, Applicants presented argument in the Remarks section as to why there is no motivation to combine JP ‘570 and Sham.

Applicants pointed out that although JP ‘570 discloses at paragraph [0025] a long list of additives, nowhere in JP ‘570 is disclosed or suggested the need or desire for adding magnesium hydroxide as an additive to the resin composition. Magnesium hydroxide is just one additive among various types of possible additives. The Examiner has failed to articulate any reason as to why one would select magnesium hydroxide.

Further, Applicants argued that nowhere in JP ‘570 is concerned with a resin composition to have flame retardance (or improved flame retardance). Thus, there is no motivation to

combine JP ‘570 and Sham in the manner suggested by the Examiner. It is only hindsight that leads to a conclusion of obviousness.

In addition, Applicants pointed out that Sham employs a polyamide resin to facilitate the dispersion of magnesium hydroxide, while the present invention employs polyamide fibers to achieve increased strength. The form and purpose of the polyamide of Sham are entirely different from the polyamide of the present application.

Applicants believe, if Sham and JP ‘570 are combined in the manner suggested by the Examiner, it would result in the promotion of dispersion of magnesium hydroxide by the polyamide, so that JP ‘570 would have its fiber form destroyed. Thus, the ordinary skilled in the art would not be motivated to combine JP ‘570 and Sham. On the other hand, the present invention makes it possible to disperse magnesium hydroxide satisfactorily, while maintaining a good form of polyamide fibers.

In the Advisory Action dated June 11, 2009, the Examiner asserts that “adding a suitable ingredient known to impart a desirable property to a composition would have been obvious to one of ordinary skill in the art”.

Applicants respectfully disagree for the following additional reasons.

Contrary to the Examiner’s assertion, it would not have been obvious to add magnesium hydroxide to the resin composition of JP ‘570. Applicants believe that the addition of 10 to 100 parts by weight (particularly about 30 to 100 parts by weight) of magnesium hydroxide to the resin composition JP ‘570 would clearly bring an increase in density and would basically tend to

bring a reduction in rigidity and strength of the resin composition. Moreover, it would give a molded product a poor visual appearance.

It was an object of JP '570 to provide a composition for a molded product having high rigidity, strength and creep resistance and low density (see paragraph [0005] of JP '570). The addition of a large proportion of magnesium hydroxide to the composition of JP '570 would not have allowed the inventors of JP '570 to attain the object of their invention. That is why nowhere in JP '570 is disclosed or suggested the need or desire for adding any inorganic filler including magnesium hydroxide to the resin composition. Instead, in JP '570, polyamide fibers are used for reinforcing the polyolefin resin (see paragraphs [0002] to [0004] of JP '570).

The intended function of the polyolefin polyamide resin composition of JP '570 would be changed or impaired if modified to include magnesium hydroxide.

Accordingly, one of ordinary skill in the art would not be motivated to add magnesium hydroxide as an additive to the resin composition of JP '570.

Further, Applicants respectfully submit there is no motivation to combine the cited references; even if the references were somehow combined, the suggested combination of JP '570 in view of Sham would not arrived the claimed subject matter.

The unexpected result of the present application in the improvement of colorability would not be achieved by combination of JP '570 in view of Sham. In the present application, the unexpected result in the improvement of colorability is not a result achieved by the mere addition of magnesium hydroxide, but is a result achieved by replacing a part of bromine-containing flame retardant with magnesium hydroxide.

In this regard, as described in the instant specification, for example at pages 21-22, at Table 1, the Example 3 of the present application made by employing a large proportion (60 parts by weight) of magnesium hydroxide with a reduced amount of bromine-containing flame retardant, confirmed an improvement in colorability, while maintaining flame retardancy.

Further, the ultrafine nylon fibers employed in the present application not only reinforce the polyolefin resin, but also improve the dispersibility of magnesium hydroxide, and thereby ensure the production of a composition of stable quality and properties. Such characteristics of the claimed subject matter are not disclosed or taught in either JP 1570 or Sham.

In view of the above, it is respectfully submitted that JP '570 in view of Sham does not render obvious the claimed subject matter. Applicants respectfully request reconsideration and withdrawal of the present §103 rejections of claims 1-8.

II. Provisional Double Patenting Rejection

Claims 1-4 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 4 and 5 of co-pending Application No. 10/533,159 (published as US 2006/0241221).

A patent has not yet issued from the '159 Application. Accordingly, the present double patenting rejection with regard to the '159 Application is a provisional double patenting rejection. Applicants respectfully request that the present provisional double patenting rejection with regard to '159 Application be held in abeyance at this time.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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